

Applicant : J. Stuart Cumming  
Appl. No. : 09/943,910  
Examiner : Kamrin R. Landrem  
Docket No. : 13533.4030

### Remarks

Reconsideration of this application is requested.

Entry of the present amendment is requested because it is believed that the same places the application in condition for allowance or better form for appeal.

By the present amendment, claims 9, 25 and 30 have been amended to more specifically define the fact that the haptics are for directly engaging the capsular bag of the eye, which is in sharp contrast to the lens of Klaas. While we believe that the combination of Sheets and Klaas is an entirely inappropriate one because of their substantially divergent lens designs, these claims have been amended in an attempt to expedite the prosecution of this application.

It is respectfully submitted that the Examiner is overlooking precisely what the Klaas design is – it is not of an individual lens like Figs. 14-16 for direct implantation in the eye or even in the capsular bag. The Klaas design is one of a lens body 8 comprising a lens 1 in a chamber 3, or a lens 4 in an artificial bag 12, artificial capsule 15 or artificial capsule parts 16, 17 and 18.

If the lens of Sheets were placed in the chamber or artificial bag or capsule of Sheets there would be no haptics for directly engaging the capsule bag, nor would there be movement upon constriction and relaxation of the ciliary muscle of the eye. Klaas relies on the gravity effect for focus. Further, Sheets does not disclose an accommodating lens, and there would be no reason nor incentive to provide a “weakened section” such as 19 of Klaas. These two optical systems are so different that there would be no reason or incentive to combine them.

In view of the foregoing, favorable reconsideration is requested, as well as allowance of claims 9-14, 17, 21-22, 25-27 and 30, and allowance of withdrawn claims inasmuch as claim 9 is generic to Figs. 1-5 and 8-11, claims 25 is generic to Figs. 1-5, 8-19, 23, 26 and 28 and claim 30 is generic to Figs. 1-5 and 8-30.

Applicant : J. Stuart Cumming  
Appl. No. : 09/943,910  
Examiner : Kamrin R. Landrem  
Docket No. : 13533.4030

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: January 14, 2005

By: 

Samuel B. Stone  
Reg. No. 19,297

Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710